

REMARKS/ARGUMENTS

Applicant responds herein to the Office Action dated December 27, 2007.

The Office Action continues the rejection of claims 1-3 on grounds of obviousness over Perlov (6,283,692), in view of Mages (2002/0090284), contending that previously submitted arguments “are not persuasive”.

Although the applicant does not necessarily acquiesce or agree with this rejection of the prior arguments, in order to facilitate the prosecution and expedite the issuance of the application, the applicant has further amended claim 1 and submits that, as amended, the claim clearly distinguishes over the prior art.

As presently amended, claim 1 defines the invention as one that forms the container transport path by activating the displacing element and moving each of the second shelves in the up and down directions, in transporting the container mounted on the first shelf to the mounting part. These features and functionality are rendered possible due to the displacing element and the control unit which are set forth in claim 1.

With the apparatus defined in claim 1, it is not necessary to move the container mounted on one of the second shelves to another shelf, even when the container is mounted on each of the first shelf and the adjacently disposed second shelf and when transporting the container mounted on the first shelf. Thereby, the apparatus according to claim 1 is particularly effective in reducing the time required for moving the container, which produces an overall reduction in the time required for container transportation.

The cited references do not disclose or teach the combined features and elements of claim 1, and specifically, the displacing element of the control unit required for realizing the advantageous effects of the claimed apparatus.

Thus, Perlov merely discloses no more than a device for moving a container up and down. Therefore, none of the cited references, nor the non-cited Yamada reference, discloses or teaches the discharging element and the control unit as set forth in claim 1.

Therefore, a person skilled in the art would not be led to the invention according to claim 1. That claim merits to be promptly allowed. The remaining claims 2-5 depend from claim 1 and, therefore, inherently contain its limitations. In addition, claims 2-5 add other

limitations to claim 1 which are similarly not suggested in the prior art and all of the claims in the application merit prompt allowance.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Respectfully submitted,

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